

4 April, 2013

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Notice of ex parte presentation regarding the following proceedings:

- GN Docket No. 13-5 - Technology Transitions Policy Task Force
- WC Docket No. 10-90: Connect America Fund
- GN Docket No. 09-51: A National Broadband Plan for Our Future
- WC Docket No. 05-337: High-Cost Universal Service Support
- WC Docket 05-25: Special Access Rates for Price Cap Local Exchange Carriers
- WC Docket No. 07-135: Establishing Just and Reasonable Rates for Local Exchange Carriers
- CC Docket No. 01-92: Developing a Unified Inter-carrier Compensation Regime
- CC Docket No. 96-45: Federal-State Joint Board on Universal Service
- WC Docket No. 03-109 - Lifeline and Link-Up
- GN Docket No. 12-353: AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition
- CC Docket No. 99-200 - Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources

Ms. Dortch:

This letter is to advise you that on April 3, 2013 I met telephonically with the following FCC staff:

Charles Mathias, OCH  
Claude Aiken, OGC  
Rebekah Goodheart, OGC  
Sean Lev, OGC  
Kate Dumouchel, OGC  
Jonathan Chambers, OSP  
Henning Schulzrinne, OSP  
Albert Lewis, IB  
Lisa Gelb, WCB  
Eric Ralph, WCB  
Wesley Platt, WCB

During the meeting, I discussed aspects of these proceedings which are relevant to WISPs (terrestrial, fixed wireless Internet service providers), covering the following points.

Firstly, I explained that, for my own company and for other WISPs (as well as other

competitive broadband providers who are not cable or telephone companies), the “IP transition” is not a transition; our network has been all-IP from the beginning. WISPs' networks are therefore an archetype of what all broadband networks will one day be: general purpose networks on which voice is not a special service but simply another “app.” I emphasized that, because of their knowledge and experience in providing all-IP networks, WISPs should have a seat at the table when the “IP transition” is discussed at the Commission.

I explained that WISPs are fixed wireless broadband providers who often use unlicensed spectrum to reach, in the most cost-effective possible manner, areas where other providers do not. I mentioned that my own WISP had just brought up service in a remote rural valley, previously unserved by any form of terrestrial broadband, where – due to the presence of a tall mountain to the south – even satellite service was not a broadband option.

I noted the fact that my WISP's customers have been using OTT (“over the top”) VoIP from the beginning, benefiting from the fact that WISPs' networks have lower latency and jitter than DSL and far lower latency and jitter than satellite broadband. I also noted that our customers are choosing our service, plus OTT VoIP, over USF-supported rural telephone service. I explained that even though neither the OTT provider nor our WISP gets a subsidy from the USF/CAF, the total cost of our broadband plus OTT VoIP is far less than what CenturyLink, our local ILEC, charges for a rural telephone line. I noted that our WISP could expand its reach even further, and provide savings on telephony as well as the ubiquitous broadband set as a goal by the National Broadband Plan, were we to receive funding from the USF/CAF instead of being arbitrarily excluded from receiving this funding. I noted that, under Section 1001 of the Telecommunications Act, the combination of services we provide is “substitutable” for POTS (and, in fact, is more reliable and often of much higher quality) and that therefore the Commission could therefore fund WISPs via the USF/CAF without requiring them to be certified as ETCs – a function which our own state's Public Service Commission no longer performs.

One participant asked how WISPs handle the issue of backup power. I explained that all of the key nodes in our network have battery and/or solar backup, and that we also offer uninterruptible power supplies, at wholesale cost, to our customers. The runtime of customers' backup power supplies is limited only by the amount of money they choose to invest in batteries.

I voiced several concerns that WISPs have regarding the IP transition. These include:

- Possible exclusion of OTT VoIP providers, and/or WISPs who are themselves VoIP providers, from numbering systems and/or interconnection;
- The continuing failure of the Commission to address anticompetitive pricing of Special Access, especially in rural areas, and incumbents' attempts to exclude lines using signaling protocols other than TDM from regulation as Special Access lines;
- Disparate treatment of broadband providers who are not telephone companies – including exclusion from orders granting pole attachment rights, as well as from receiving USF/CAF subsidies; and
- Requests by incumbents (in particular, CenturyLink) for wasteful and unnecessary USF/CAF funding to overbuild areas already served by WISPs;

In response to a question from staff, I also mentioned that our WISP offers connections as fast as 1.25 Gbps, though most customers opt for connections with a guaranteed minimum throughput of 1 Mbps. I explained that customers report that – due to the quality of the bandwidth we provide – they can perform tasks via a high grade 1 Mbps connection from us that they were not able to do with DSL and cable modem connections with claimed speeds of 7 to 16 Mbps.

When asked what I and my fellow WISPs would like the FCC to do, I asked that the Commission:

- Include WISPs in the dialogue regarding the IP transition;
- Recognize WISPs as first class broadband providers;
- Make us fully eligible for USF/CAF support;
- Guard against the inevitable anticompetitive tactics which incumbents will attempt as part of the IP transition;
- Take long overdue action on the Special Access docket;
- Provide more spectrum that's usable by WISPs, who are unable to obtain spectrum at auction due to rules that tilt the playing field toward large, public companies and incumbents;
- Loosen Part 15 power limits for rural areas, as recommended by former Commissioner Jonathan Adelstein; and
- Establish that all broadband providers – not just telephone and cable companies – are entitled to benefit from FCC orders regarding pole attachments, “Lifeline” and “Link-Up” subsidies, etc.

This letter is being filed electronically via the Commission's Electronic Comment Filing System as per Section 1.1206(b)(2) of the Commission's rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurence Brett Glass".

Laurence Brett ("Brett") Glass, d/b/a LARIAT  
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